Return Date: March 22nd, 2017
Time: 9:55 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
- -x
IN RE:

Chapter 13
Case No. 16-23671 RDD

DOUGLAS MORABITO,

NOTICE OF MOTION

Debtor(s)
- -x

PLEASE TAKE NOTICE, that upon the annexed application of Jeffrey L. Sapir the Chapter 13 Trustee herein, a motion pursuant to Rule 4004 will be made before the Hon. Robert D. Drain, United States Bankruptcy Judge, at the United States Courthouse, located at 300 Quarropas Street. White Plains, New York on the 22nd day of March, 2017, at 9:55 A.M. for an order pursuant to Bankruptcy Code §§1328(f)(1) denying the debtor a discharge in the instant case since the debtor received a prior discharge in a chapter 7 case during the four (4) year period preceding the order for relief in this case; and for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served on the undersigned and filed with the Court no later than three (3) days prior to the return date of this motion, and (a) must comply with the Bankruptcy Court's electronic filing system in accordance with General Order M-242 and Supplemental General Order M-269.

Dated: White Plains, New York
February 15th, 2017

/s/ Jeffrey L. Sapir________
Jeffrey L. Sapir, Esq. (JLS 0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
201 Varick Street #1006
New York, New York 10014

Douglas Morabito
146 Lincoln Avenue East
West Harrison, New York 10604

Steven J. Cooper, Esq.
455 Central park Avenue # 216
Scarsdale, New York 10583

U. S. Bank National Association
c/o Nationstar Mortgage, LLC
P.O. Box 619096
Dallas, Texas 75261

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
- -x
IN RE:

Chapter 13
Case No. 16-23671 RDD

DOUGLAS MORABITO,

APPLICATION

Debtor(s)
- -x

TO THE HON. ROBERT D. DRAIN, UNITED STATES BANKRUPTCY JUDGE:

Jeffrey L. Sapir alleges:

1. That he is the Standing Chapter 13 Trustee for the Southern District of New York and is fully familiar with the facts and circumstances surrounding this case.

2. On December 6th, 2016, the debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code.

3. The debtor heretofore filed a Chapter 7 case bearing case number 16-22658 RDD on May 15th, 2016 and received a discharge on August 17th, 2016.

4. 11 U.S.C.§1328(f)(1) provides that the Court shall not grant a discharge of all debts provided for in the plan or disallowed under §502, if the debtor has received a discharge in a case filed under chapters 7, 11 or 12 of this title during the four year period preceding the date of the order for relief under this chapter.

5. The debtor fails to qualify for a discharge in the instant case.

WHEREFORE, it is respectfully prayed that this Court not grant a discharge to the above-named debtor upon the completion of the plan; and for such other and further relief as this Court deems appropriate.

Dated: White Plains, New York
February 15th, 2017

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
- -x

IN RE:	Chapter 13 Case No. 16-23671 RDD

DOUGLAS MORABITO,

Debtor(s)
- -x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York.

On February 15th, 2017 I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO: United States Trustee
201 Varick Street #1006
New York, New York 10014

Douglas Morabito
146 Lincoln Avenue East
West Harrison, New York 10604

Steven J. Cooper, Esq.
455 Central park Avenue # 216
Scarsdale, New York 10583

U. S. Bank National Association
c/o Nationstar Mortgage, LLC
P.O. Box 619096
Dallas, Texas 75261

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
15th day of February, 2017

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No.02SA8764500
Qualified in Rockland County
Term Expires: 12/31/18